

IAP7 Rec'd PCT/PTO 23 JUN 2006



PATENT  
ATTORNEY DOCKET NO.: 056222-5088

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|  |   |                            |
|--|---|----------------------------|
| In re Application of : Antoni Ryszard Slabas, et al. | ) |                            |
|  | ) |                            |
| U.S. Application No.: 10/551,718                     | ) | Group Art Unit: Unassigned |
|  | ) |                            |
| International Appln. Filing Date: April 1, 2004      | ) |                            |
|  | ) |                            |
| Date of National Stage Entry: October 3, 2005        | ) | Examiner: Unassigned       |
|  | ) |                            |
| For: IMPROVEMENTS IN OR RELATING TO                  | ) |                            |
| VIABILITY  | ) |                            |

Commissioner of Patents  
**MAIL STOP PCT**

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 U.S.C. § 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. This replies to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed June 13, 2006.

A copy of the Notification of Missing Requirements (Form PTC/DO/EO/905) is enclosed.

2. Declaration Or Oath

- ☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.
- ☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.
- ☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

Revised: 3/10/06

## 3. English Translation of Non-English Language Papers

☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

☐ Also enclosed is the Verification of Translation Document

## 4. Small Entity Statement(s)

☒ Applicant(s) hereby assert small entity status.

## 5. Fee Calculation

|   |              |              |                   |         |
|---|--------------|--------------|-------------------|---------|
| Basic National Stage Fee:   |              |              |                   |         |
| \$300.00  |              |              |                   |         |
|   | Number Filed | Number Extra | at a Rate of      |         |
| Total Claims  | -20 =        |              | \$50.00 each=     | +\$     |
| Independent Claims  | - 3 =        |              | \$200.00 each=    | +\$     |
| Multiple dependent claim(s), if any   |              |              | \$360.00          | +\$     |
| Missing Requirements Surcharge Fee  |              |              | \$130.00          | \$65.00 |
| Application Size Fee<br>\$250.00 for each additional 50 sheets that exceeds 100                   |              |              |                   | \$      |
| Application Search Fee  |              |              | \$500/\$400/\$100 | \$      |
| Examination Fee   |              |              | \$200.00          | \$      |
| SUB-TOTAL =   |              |              |                   | \$65.00 |
| Fee For Application Filed With A Non-English Specification<br>(37 C.F.R. § 1.17(k) and § 1.52(d)) |              |              | \$130.00          | +\$     |
| Fee For Processing and retention of application (37 C.F.R.<br>§ 1.21(l) and § 1.53(d))            |              |              | \$130.00          | +\$     |
| TOTAL FILING FEE =  |              |              |                   | \$65.00 |

05/20/2006 PREY1 00000255 200310 16551710  
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## 6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. §§ 1.17(a)-(d), for the total number of months checked below:

|                          | <u>Total Months Requested</u> | <u>Extension Fee</u> | <u>Extension Fee [Small Entity]</u> |
|--------------------------|-------------------------------|----------------------|-------------------------------------|
| <input type="checkbox"/> | One month                     | \$120.00             | \$60.00                             |
| <input type="checkbox"/> | Two months                    | \$450.00             | \$225.00                            |
| <input type="checkbox"/> | Three months                  | \$1,020.00           | \$510.00                            |
| <input type="checkbox"/> | Four months                   | \$1,590.00           | \$795.00                            |
| <input type="checkbox"/> | Five months                   | \$2,160.00           | \$1,080.00                          |

Extension of time fee due with this request: \$\_\_\_\_\_

If an additional extension of time is required, please consider this a Petition therefor.

- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## 7. Fee Payment

|                       |                 |                  |
|-----------------------|-----------------|------------------|
| The total fee due is: | Completion Fees | \$ <u>65.00</u>  |
|                       | Assignment Fees | \$ <u>40.00</u>  |
|                       | Total Fee Due   | \$ <u>105.00</u> |

- ☒ The Commissioner is hereby authorized to charge the total fee due to Deposit Account 50-0310.


- ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

8. Additional papers enclosed.

- ☐ Form PCT/IPEA/409 (English Translation)  
☐ Preliminary Amendment  
☐ PCT/IB/338 English translation of the International preliminary Examination Report  
☐ Information Disclosure Statement  
☐ Form PTO-1449, documents as listed  
☐ Declaration of Biological Deposit  
☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

 Reg No  
54,478  
for Paul N. Kokulis, Reg. No. 16,773

Date: June 23, 2006

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

|                             |                       |                  |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/551,718                  | Antoni Ryszard Slabas | 056222-5088-US   |

|                               |               |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. |               |
| PCT/GB04/01436                |               |
| I.A. FILING DATE              | PRIORITY DATE |
| 04/01/2004                    | 04/01/2003    |

09629  
 MORGAN LEWIS & BOCKIUS LLP  
 1111 PENNSYLVANIA AVENUE NW  
 WASHINGTON, DC 20004

CONFIRMATION NO. 5793

371 FORMALITIES LETTER



\*OC000000019225736\*

Date Mailed: 06/13/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/30/2005
- Copy of the International Search Report filed on 09/30/2005
- Preliminary Amendments filed on 09/30/2005
- U.S. Basic National Fees filed on 09/30/2005
- Priority Documents filed on 09/30/2005
- Specification filed on 09/30/2005
- Claims filed on 09/30/2005
- Abstracts filed on 09/30/2005
- Drawings filed on 09/30/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

RECEIVED

JUN 13 2006

MORGAN LEWIS &amp; BOCKIUS LLP

Docketed 6-16-06 Attorney PAK  
 Case 56222-5088  
 Due Date 8-13-06  
 Action Resp. Missing Arts  
 By MS Chk CS

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN R MCLEAN

Telephone: (703) 308-9140 EXT 214

**PART 1 - ATTORNEY/APPLICANT COPY**

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/551,718                  | PCT/GB04/01436                | 056222-5088-US   |